IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID JOHN FORD ET AL.

Serial No.: 10/064,962

Group Art Unit: 3629

Examiner: Gerardo Araque, Jr.

Filed: September 4, 2002

For: AN ONLINE METHOD AND SYSTEM FOR ADVISING CUSTOMERS ON SERVICE NEEDS, FACILITATING THE SCHEDULING OF VEHICLE SERVICE APPOINTMENTS, AND CHECKING VEHICLE SERVICE STATUS

Attorney Docket No.: 81046134 (FMC 1438 PUS)

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief from the final rejection of claims 1-20 of the Office Action mailed on October 24, 2008, for the above-identified patent application.

I. <u>REAL PARTY IN INTEREST</u>

The real party in interest is Ford Motor Company ("Assignee"), a corporation organized and existing under the laws of the state of Delaware, and having a place of business in Dearborn, Michigan, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on September 4, 2002 at Reel 013051/Frame 0944.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to the Appellant, the Appellant's legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. **STATUS OF CLAIMS**

Claims 1-20 are pending in this application. Claims 1-20 have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

The Appellant has not filed any amendments after the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This application has three (3) independent claims, i.e., claims 1, 11 and 14.

Claim 1 is directed to an online vehicle service method. (e.g., p. 7, ll. 31-33 and Fig. 2, methodology 24.) The method includes receiving a service inquiry. (e.g., p. 7, l. 33 - p. 8, l. 1 and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, and a recall request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The method further includes receiving input information regarding potential servicing of the vehicle. (e.g., p. 8, ll. 16-26 and Fig. 2, block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3, GUI 37.) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., *id.*) The method further includes transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available dates and times for a vehicle service provider. (e.g., pg. 18, l. 31 - p. 19, l. 26 and Figs. 7a - 7c). The method also includes receiving an appointment request relating to one of the plurality of open appointments. (e.g., pg. 18, ll. 22 - 31 and Figs. 7a & 7b).The method further includes transmitting the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment. (e.g., Fig. 2, blocks 30, 32, 34 and 36.)

Claim 11 is directed to an online vehicle service method. (e.g., p. 7, ll. 31-33 and Fig. 2, methodology 24.) The method includes receiving a service inquiry. (e.g., p. 7, l. 33 - p. 8, l. 1 and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, a recall request, and a vehicle status request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The method further includes receiving input

information regarding potential servicing of the vehicle. (e.g., p. 8, ll. 16-26 and Fig. 2, block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3, GUI 37.) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., *id*.) If the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status. (e.g., p. 24, l. 13 - p. 25, l. 21 and Fig. 2, block 31.) The input information is used to determine the vehicle status. (e.g., *id*.) The method further includes transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available dates and times for a vehicle service provider. (e.g., pg. 18, l. 31 - p. 19, l. 26 and Figs. 7a - 7c). The method also includes receiving an appointment request relating to one of the plurality of open appointments. (e.g., pg. 18, ll. 22 - 31 and Figs. 7a & 7b). The method also includes transmitting the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment. (e.g., Fig. 2, blocks 30, 32, 34 and 36.)

Claim 14 is directed to an online vehicle service system including at least one server computer operable serving at least one client computer. (e.g., p. 1, ll. 3-30 and Fig. 1, server computer 12 and client computers 14A-14N.) The at least one server computer is configured to receive a service inquiry. (e.g., p. 1, ll. 25-30; p. 7, l. 33 - p. 8, l. 1; and Fig. 2, block 26.) The service inquiry is selected from the group consisting of a service request, a scheduled maintenance request, and a recall request. (e.g., p. 8, ll. 1-3 and Fig. 2, block 26.) The at least one server computer is further configured to receive input information regarding potential servicing of the vehicle. (e.g., p. 1, ll. 25-30; p. 8, ll. 16-26; and Fig. 2, block 28.) If the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request. (e.g., p. 8, l. 31 - p. 9, l. 19 and Fig. 3,

GUI 37..) If the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model. (e.g., p. 15, l. 17 - p. 17, l. 25 and Fig. 2, block 33.) The input information is used to determine whether service is advised for the vehicle. (e.g., p. 1, ll. 25-30 and p. 15, l. 17 - p. 17, l. 25.) The at least one server computer is further configured to transmit a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available dates and times for a vehicle service provider. (e.g., pg. 18, l. 31 - p. 19, l. 26 and Figs. 7a - 7c). The at least one server computer is further configured to receive an appointment request relating to one of the plurality of open appointments. (e.g., pg. 18, ll. 22 - 31 and Figs. 7a & 7b). The at least one server computer is further configured to transmit the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment. (e.g., p. 1, ll. 25-30 and Fig. 2, blocks 30, 32, 34 and 36.)

VI. <u>GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u>

Claims 1, 2, 6-15 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Pub. No. 2003/0191660 (*Himes*) in view of Bill Wink Chevrolet   (http://web.archive.org/web/20020222201739/http://www.billwinkchevy.com /appointment.html) (*Wink*).

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Himes* in view of *Wink* in further view of Jim Mateja (Monroney Label a Window of Opportunity for Sellers) (*Mateja*).

Claims 3-5, 16, 17, 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Himes* in view of *Wink* in further view of U.S. Patent No. 6,304,848 (*Singer*) in further view of U.S. Patent Pub. No. 2002/0022975 (*Blasingame*).

VII. ARGUMENT

A.   **Claims 1, 2, 6-15 and 18 Are Patentable**
        Under 35 U.S.C. § 103(a) Over *Himes*
        In View Of *Wink*

        1.   **Claim 1 Is Separately Patentable Under**
                35 U.S.C. § 103(a) Over *Himes* In View
                Of *Wink*

        Himes fails to teach or suggest independent claim 1 for numerous reasons. As one example, claim 1 recites, *inter alia*, "transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider."

        The Examiner concedes that *Himes* fails to teach this limitation and introduces *Wink* to allegedly compensate for the noted deficiency of *Himes*. According to the Examiner, "*Wink* discloses an online vehicle scheduling system where a customer is presented with various day to choose from, which are based on dates and times of when the vehicle service provider is available. As the customer clicks on the drop down box, the customer is presented with the choices of Monday-Friday to select from. Once the day has been selected, the customer submits the appointment request, along with other inputted information, to the dealership. . . moreover, one of ordinary skill in the art would have also been aware that vehicle service providers are open during specific times in the day and it would have been obvious, given this knowledge, that the time in which the appointment would be desired would not be at an unreasonable time, such as midnight." (Office Action, Oct. 24, 2008, page 4).

        Applicant notes that *Wink* consists of a webpage showing a drop-down menu including a list of weekdays (Monday-Friday), a <u>blank field</u> into which a time can be typed, and <u>a blank field</u> into which a date can be typed. It's not even apparent, from the presented page, that the date and day of the week will correspond. Further, there is absolutely nothing on the page to suggest that "a plurality of open appointments" are "transmitted," and the

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Examiner has failed to provide a *prima facie* case of obviousness in that he has failed to even allege that any portion of *Wink* corresponds to such transmission.

Assuming *arguendo*, however, that the Examiner is alleging that the drop-down list of weekdays, in combination with the blank time and date fields, correspond to the cited claim limitation, Applicant respectfully takes issue with this position. Applicant notes that the claim language requires:

1) that the appointments be <u>open</u>; and

2) <u>each</u> of the plurality of open appointments is comprised of a preselected date and time <u>based on available appointment dates and times for a vehicle service provider</u>

None of these limitations are taught by *Wink*. First, a plurality of open appointments are not provided. *Wink* quite clearly does not teach a plurality of <u>open</u> appointments being transmitted, as there is no transmission of dates or times (such fields, as opposed to be informative or selectable fields, are left blank for customer input). Since the customer can type any time or date the customer pleases, there is nothing in *Wink* that could be said to teach or suggest that a plurality of open appointments have been transmitted. In fact, it is only after the customer has input a date and time that *Wink* could even check against open appointments to see if the selected date/time are open, but there is further no indication that such a check is made (note that, even if such a check were made, this would still not teach or suggest the cited limitation).

Second, there is no teaching or suggestion that "<u>each</u> of the plurality of open appointments is comprised of a preselected date and time <u>based on available appointment dates and times for a vehicle service provider</u>." There is no teaching or suggestion in Wink that any sort of query or check is made to find <u>available</u> appointment dates or times for a vehicle service provider. Instead, the customer appears to simply input <u>any</u> appointment date or time. Thus, even if *Wink* is considered to show "a plurality of appointments" there is no teaching or suggestion in *Wink* of "a plurality of <u>open</u> appointments" wherein "<u>each</u> of the plurality of open

appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider." Accordingly, claim 1 is allowable over the combination of *Himes* and *Wink*.

Claim 1 is distinguishable over *Wink* and *Himes* for other reasons as well. For example, claim 1 requires "receiving input information regarding the potential service of [a] vehicle ... wherein the input information is used to determine whether service is advised for the vehicle." *Himes* fails to teach or suggest this limitation. The Examiner cites to ¶ [0019] for an alleged teaching of this limitation. ¶ [0019] is reproduced below:

> [0019] The customer accesses the desired area through an input device such as the touch-screen 165. In addition, other input devices may also be provided, such as the keyboard 170 or the mouse 180. When the customer has completed his or her session, the data received from the data entry terminal 130 is communicated via cable or radio-frequency (not shown) to the dealer management system 190 ("DMS"). One example of a DMS used in a preferred embodiment is the ERA system 190, developed by Reynolds and Reynolds, Inc. of Dayton, Ohio, but other DMSs may be used in the present invention. The data received from the data entry terminal 130 are used to populate the information fields on the DMS 190. Additional information regarding the selected services, such as labor rates and other prices, are supplied from the DMS 190, and a repair order (not shown) containing the customer information, the vehicle information, and a service description is printed on the printer 135. Also, the repair order and other history of the visit can be written onto the smart card; and other information from the DMS 190 can be written onto the smart card.

According to ¶ [0019], the data received is used to print a repair order for selected services. The claimed subject matter, as recited in claim 1, is directed to "input information regarding potential service" – not actual "selected services," as provided by *Himes*. According to claim 1, "the input information is used to determine whether service is advised for the vehicle." According to *Himes*, this determination has already been made, and a repair order is printed to reflect the selected services. For at least this reason, claim 1 is patentable over the *Himes* reference.

2.   **Claim 2 Is Separately Patentable Under**
         35 U.S.C. § 103(a) Over *Himes* In View Of *Wink*

Claim 2 requires that "the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string." Both *Himes* and *Wink* fail to teach or suggest this limitation. According to the Examiner, ¶ [0032], which is reproduced below, teaches this limitation:

> [0032] The preferred embodiment further provides Administrator Card Functions to allow administrators to perform specialized functions. For example, an administrator can add store credit to a user's card 110 as a way to resolve a customer complaint. Additional information may be entered into the system to describe the customer's complaint. The administrator may also undo maintenance items and/or coupons that were previously selected and stored on the customer's card 110. An option is provided for the administrator to edit the configuration of the system's parameters file. An administrator may also generate a report of system usage statistics. The system can provide the administrator with a listing of the system's last 10 transactions. The administrator may also set the time and date for the system, as well as shut down the system. The administrator is also provided with the ability to calibrate the touch screen 165, and to exit the session to return the computer 130 to the Windows mode.

According to *Himes*, an administrator can perform specialized functions, *e.g.*, the administrator can enter information relating to a customer complaint. This information does not define "vehicle symptoms pertinent to [a] service request," as claimed. For at least this reason, claim 2 is patentable over the *Himes* reference.

3.   **Claim 7 Is Separately Patentable Under**
         35 U.S.C. § 103(a) Over *Himes* In View Of *Wink*

Claim 7 recites "receiving available appointment dates and arrival times from the vehicle service provider." *Himes* and *Wink* fail8 to teach or suggest this limitation. According to the Examiner, ¶ [0011], which is reproduced below, teaches this limitation:

[0011] In this preferred embodiment, when a customer buys a vehicle from the dealership, the dealership sends a registration form to the card service provider, such as Reynolds and Reynolds Inc. of Dayton, Ohio. The card service provider prints and programs the card 110 and mails the card to the customer on behalf of the dealership. When the customer comes into the dealership for maintenance services on the vehicle, the customer inserts the card 110 into the kiosk 130 and enters the vehicle's mileage 204. The pre-programmed maintenance schedule 202 and coupon package appears on the screen and the customer, with the assistance of the service advisor, selects the desired maintenance items 209. As maintenance items 209 are selected using selection boxes 208, various pre-programmed coupons are offered to the customer. After selection of the maintenance items 209, a "quick write-up" sheet appears on the screen. The customer and the service advisor can then enter other items of information on the screen to complete the repair order. These fields may include time and date promised, additional contact instructions, additional contact number, service advisor number and other services desired. After completion, the information on this visit is written to the card 110 and two thermal receipts are printed. The first receipt is for the customer, while the second receipt contains the additional information from the quick write-up session and is for the service advisor's use in completing the repair order in the dealer management system.

According to *Himes*, a service advisor can enter a time and date promised into a repair order <u>when</u> the customer comes into the dealership for maintenance services on the vehicle.   Therefore, the appointment date and time has already been scheduled, <u>and the customer has arrived at the dealership for service</u>.   Contrarily, claim 7 recites "receiving <u>available</u> appointment dates and arrival times" for facilitating the scheduling of a vehicle service appointment.

According to the Examiner "*Himes* discloses that the system also provided recommended services. As a result, if one of those services were an oil change, it would have been inherent for the system to provide available dates and times for when the next oil change would be due." (March 20, 2008, Office Action, p. 20). Applicant respectfully disagrees with the logic of this statement. There is no teaching or suggestion in *Himes* that <u>available</u> dates

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and times would be provided. *Himes* could, for example, recommend a date three months out, but have no way of checking to see if a <u>particular</u> date or time was <u>available</u>. There is no teaching or suggestion in *Himes* of an available date being received. *Wink* does not cure this deficiency of *Himes*, and claim 7 is independently allowable for at least this reason.

4. **Claim 11 Is Separately Patentable Under 35 U.S.C. § 103(a) Over *Himes* In View Of *Wink***

Himes fails to teach or suggest independent claim 11 for many reasons. For example, claim 11 requires "transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider." This limitation is not provided by *Himes* or *Wink*. After conceding that *Himes* does not teach this limitation, the Examiner cites to *Wink* as providing this limitation. *Wink* does not disclose transmitting a plurality of open appointments, or each of the open appointments. . . based on available appointment dates and times for a vehicle service provider as claimed, for at least the reasons set forth above with respect to claim 1. For at least these reasons, claim 11 is patentable over the *Himes/Wink* combination.

5. **Claim 12 Is Separately Patentable Under 35 U.S.C. § 103(a) Over *Himes* In View Of *Wink***

Claim 12 recites "receiving vehicle status information from [a] vehicle service provider." Claim 12 further recites "the vehicle status information includes<u> a service status of work in progress</u>." *Himes* and *Wink* fail to teach or suggest these limitations. According to the Examiner, ¶ [0023], which is reproduced below, teaches this limitation:

> [0023] A wide variety of screen displays may be used. FIG. 5 shows one screen display for one embodiment. The screen display can be presented when a user wants to review the history of the user's visits to the dealer, and certain aspects of the user's current status. This screen can be used in conjunction with other

screens in a single session, or exclusively in a session for data review only. FIG. 6 shows a block diagram of FIG. 5.

At best, FIG. 5 discloses LOYALTY CARD BALANCE, TOTAL AMOUNT SAVED, TRADE IN ACCRUAL, SAVED THIS VISIT, Coupons Used and Maintenance Performed as user status information. This "user status" information does not pertain to "a service status of work in progress," as recited in claim 12. For at least this reason, claim 12 is patentable over *Himes* and *Wink*.

Moreover, the knowledge of one skilled in the art does not overcome these deficient teachings. The Examiner has not provided evidence to the contrary. For at least these reasons, claim 12 is patentable over the proposed combination.

7.   **Claim 14 Is Separately Patentable Under**
       35 U.S.C. § 103(a) Over *Himes* in view of *Wink*

Himes fails to teach or suggest independent claim 14 for many reasons. For example, claim 14 requires "transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider." This limitation is not provided by *Himes* or *Wink*. After conceding that *Himes* does not teach this limitation, the Examiner cites to *Wink* as providing this limitation. *Wink* does not disclose transmitting a plurality of open appointments, or each of the open appointments. . . based on available appointment dates and times for a vehicle service provider as claimed, for at least the reasons set forth above with respect to claim 1. For at least these reasons, claim 14 is patentable over the *Himes/Wink* combination.

10.   **Claim 15 Is Separately Patentable Under**
       35 U.S.C. § 103(a) Over *Himes* In View Of *Wink*

Claim 15 recites "the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider."

Himes and *Wink* fail to teach or suggest this limitation for at least the reasons set forth above with respect to claim 7. For at least this reason, claim 15 is patentable over *Himes* and *Wink*.

**11.   Claim 18 Is Separately Patentable Under
35 U.S.C. § 103(a) Over *Himes* In View Of *Wink***

Claim 18 recites "the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string." *Himes* and *Wink* fail to teach or suggest this limitation for at least the reasons set forth above with respect to claim 2. For at least this reason, claim 18 is patentable over *Himes* and *Wink*.

**B.   Claim 9 Is Patentable Under 35 U.S.C. § 103(a) Over
Himes In View Of *Wink* and Further In View Of *Mateja***

Claim 9 depends from claim 1. Claim 1 has already been shown to be patentable over the combination of *Himes* and *Wink* based at least on the arguments presented herein. *Mateja*, introduced as allegedly teaching "it is old and well known in the art to provide a VIN into a dealer's computer to determine whether a recall exists for a vehicle" does not cure the noted deficiencies of the *Himes/Wink* combination. Accordingly, claim 9 should be allowable based at least on its dependency from allowable claim 1.

**C.   Claims 3-5, 16, 17, 19 and 20 Are Patentable Under 35 US.C. § 103(a)
Over The Proposed Combination Of *Himes, Singer, Wink* and *Blasingame***

**1.   Claim 3 Is Separately Patentable Under 35 U.S.C. § 103(a) Over
The Proposed Combination Of *Himes, Singer, Wink* and *Blasingame***

Claim 3 depends from claim 1. Claim 3 recites "determin[ing] an at least two symptom probing questions based on the vehicle symptom string <u>and for obtaining at least two symptom probing answers from the customer</u>." The Examiner admits that this limitation is not taught or suggested by *Himes* and *Wink*. However, according to the Examiner, *Blasingame*

et al. discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical "key" questions regarding the patient's condition. The Examiner cites to ¶ [0010] of *Blasingame et al.* in support of his position:

> [0010] In some embodiments the method further comprises electronically generating pre-visit information that includes a pre-visit patient summary responsive to the interview including information relating to the patient's condition, and then transmitting the pre-visit patient summary to the patient. Furthermore, in some embodiments the transmitted pre-visit patient summary further comprises medical "key" questions relating to the patient's condition(s), and the pre-visit physician report transmitted to the physician includes the key questions and a rationale for each of the questions. The key questions are a set of simple, guiding questions (for example 3-5 questions) for the patient to ask the physician at the upcoming visit. These questions are designed to focus the office visit. A typical key question is simple and short, and covers informational items that the physician would usually want to cover during the office visit. The patient should feel comfortable asking the physician these questions. These key questions give the patient some direction for the visit and help the physician by keeping the visit focused. Thus, the patient receives condition-specific educational resources prior to the scheduled appointment, and can arrive at the appointment better prepared for the office visit with the physician.

The Examiner further opines that *Singer* defines that the use of symptom probing questions is old and well known. According to the Examiner, *Singer* discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient conditions. The Examiner cites to Col. 3, ll. 7-21 in support of his rejection, which is reproduced below:

> The apparatus also preferably includes medical term matching means, e.g., preferably provided by a medical term matcher, responsive to the key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. The medical term matching means preferably includes a knowledge database relating patient conditions with patient treatments of the conditions so that the knowledge base assists in further

describing at least the actual condition and/or treatment of the patient by adding additional data, e.g., a more complete description, to a medical form which is or will be created. The apparatus can further include medical record creating means, e.g., preferably provided by a medical record creator, responsive to the medical term matching means for creating an actual patient medical record therefrom.

Id. (emphasis added).

The Examiner opines that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify *Himes* in view of the teachings of *Blasingame et al.* and *Singer* to include symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs. (Office Action, June 21, 2007, p. 8.)

Neither *Blasingame et al.* nor *Singer* teach or suggest the step of "determining an at least two symptom probing questions based on the vehicle symptom string." At best, *Blasingame et al.* discloses a medical information system in which a pre-visit interview is conducted with a patient before an office visit. The information obtained during this pre-visit interview is used to generate "key questions" <u>for the patient to ask the physician</u> (distinguishable from symptom probing questions, the patient <u>is not</u> asking the physician "symptom probing questions," for it is clear that the patient, not the physician, has the symptoms) during the office visit. The "key questions" and answers are given to the physician prior to the office visit. The questions and answers are scripted "in an effort to focus the visit." Fig. 17A. Moreover, "the questions are quite general, and may not be as important once you [(i.e., the physician)] make[s] a diagnosis." *Id.* The "key questions" generated by the pre-visit interview are not used to "<u>obtain[] at least two symptom probing answers from the customer</u>," as recited in claim 3. Also, the "key questions" have already been answered <u>by the medical information system</u>. The answers are provided to the physician before the office visit. For at least this reason, *Blasingame et al.* does not teach or suggest claim 3.

Singer does not cure the defective teachings of *Blasingame et al*. At best, *Singer* discloses a key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. (Col. 3, ll. 8-12.) In *Singer*, the medical personnel provides "freely dictated" information that is searched by key medical terms. This information is not provided by patients, i.e., the customers of the medical profession. Claim 3 requires that the at least two symptom probing questions are used to obtain at least two symptom probing answers from the customer. This limitation is not taught or suggested by *Singer*. For at least the reasons set forth above, claim 3 is patentable over the proposed combination of the *Himes*, *Singer* and *Blasingame et al*. references.

2.   Claim 19 Is Separately Patentable Under 35 U.S.C. § 103(a) Over The Proposed Combination Of *Himes, Singer, Wink* and *Blasingame*

Claim 19 depends from claim 14. Claim 19 recites "determin[ing] an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer." The Examiner admits that this limitation is not taught or suggested by *Himes* or *Wink*. However, according to the Examiner, *Blasingame et al*. discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical "key" questions regarding the patient's condition. The Examiner cites to ¶ [0010] of *Blasingame et al*. in support of his position:

> [0010] In some embodiments the method further comprises electronically generating pre-visit information that includes a pre-visit patient summary responsive to the interview including information relating to the patient's condition, and then transmitting the pre-visit patient summary to the patient. Furthermore, in some embodiments the transmitted pre-visit patient summary further comprises medical "key" questions relating to the patient's condition(s), and the pre-visit physician report transmitted to the physician includes the key questions and a rationale for each of the questions. The key questions are a set of simple, guiding questions (for example 3-5 questions) for the patient to ask the physician at the upcoming visit. These questions are designed to focus the office visit. A typical key question is simple and short, and covers informational items that

the physician would usually want to cover during the office visit. The patient should feel comfortable asking the physician these questions. These key questions give the patient some direction for the visit and help the physician by keeping the visit focused. Thus, the patient receives condition-specific educational resources prior to the scheduled appointment, and can arrive at the appointment better prepared for the office visit with the physician.

The Examiner further opines that *Singer* defines that the use of symptom probing questions is old and well known. According to the Examiner, *Singer* discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient conditions. The Examiner cites to Col. 3, ll. 7-21 in support of his rejection, which is reproduced below:

> The apparatus also preferably includes medical term matching means, e.g., preferably provided by a medical term matcher, responsive to the key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. The medical term matching means preferably includes a knowledge database relating patient conditions with patient treatments of the conditions so that the knowledge base assists in further describing at least the actual condition and/or treatment of the patient by adding additional data, e.g., a more complete description, to a medical form which is or will be created. The apparatus can further include medical record creating means, e.g., preferably provided by a medical record creator, responsive to the medical term matching means for creating an actual patient medical record therefrom.

Id. (emphasis added).

The Examiner opines that it would have been obvious to one having ordinary skill in the art at the time of the invention to modify *Himes* in view of the teachings of *Blasingame et al.* and *Singer* to include symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs. (Office Action, June 21, 2007, p. 8.)

Neither *Blasingame et al.* nor *Singer* teach or suggest the step of "determining an at least two symptom probing questions based on the vehicle symptom string." At best, *Blasingame et al.* discloses a medical information system in which a pre-visit interview is conducted with a patient before an office visit. The information obtained during this pre-visit interview is used to generate "key questions" <u>for the patient to ask the physician</u> (distinguishable from symptom probing questions, the patient <u>is not</u> asking the physician "symptom probing questions," for it is clear that the patient, not the physician, has the symptoms) during the office visit. The "key questions" and answers are given to the physician prior to the office visit. The questions and answers are scripted "in an effort to focus the visit." Fig. 17A. Moreover, "the questions are quite general, and may not be as important once you [(i.e., the physician)] make[s] a diagnosis." *Id.* The "key questions" generated by the pre-visit interview are not used to "<u>obtain[] at least two symptom probing answers from the customer</u>," as recited in claim 19. Also, the "key questions" have already been answered <u>by the medical information system</u>. The answers are provided to the physician before the office visit. For at least this reason, *Blasingame et al.* does not teach or suggest claim 19.

Singer does not cure the defective teachings of *Blasingame et al.* At best, *Singer* discloses a key term recognizing means for matching medical terms used by the at least one medical personnel at least with patient conditions and/or treatments. (Col. 3, ll. 8-12.) In *Singer*, the medical personnel provides "freely dictated" information that is searched by key medical terms. This information <u>is not</u> provided by patients, i.e., the customers of the medical profession. Claim 19 requires that the at least two symptom probing questions are used to obtain <u>at least two symptom probing answers from the customer</u>. This limitation is not taught or suggested by *Singer*. For at least the reasons set forth above, claim 19 is patentable over the proposed combination of the *Himes*, *Singer* and *Blasingame et al.* references.

The Commissioner is hereby authorized to charge the $540 Appeal Brief fee as applicable under the provisions of 37 C.F.R. § 41.20(b)(2) and to charge any additional fee or credit any overpayment associated with the filing of this Paper to the Deposit Account of Applicants' assignee, Ford Global Technologies LLC, Deposit Account No. 06-1510.

Respectfully submitted,

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Enclosure - Appendices

VIII. CLAIMS APPENDIX

1.   An online vehicle service method comprising:

receiving a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, and a recall request;

receiving input information regarding potential servicing of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle;

transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

receiving an appointment request relating to one of the plurality of open appointments; and

transmitting the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment.

2.   The online method of claim 1 wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string.

3.   The online method of claim 2 further comprising determining an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer.

4.   The online method of claim 3 further comprising transmitting to the customer the at least two symptom probing questions.

5.   The online method of claim 4 further comprising transmitting to the vehicle service provider the at least two symptom probing answers to the at least two symptom probing questions.

6.   The online method of claim 1 wherein the service inquiry is selected by the customer.

7.   The online method of claim 1 further comprising receiving available appointment dates and arrival times from the vehicle service provider.

8.   The online method of claim 1 wherein the service inquiry is the vehicle maintenance request and further comprising retrieving a vehicle maintenance schedule for the vehicle based on the input information.

9.   The online method of claim 1 wherein the service inquiry is the recall request and further comprising determining whether a recall exists for the customer's vehicle based on the input information.

10.   The online method of claim 1 further comprising transmitting the input information to the customer prior to transmitting the appointment request.

11.   An online vehicle service method comprising:
receiving a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, a recall request, and a vehicle status request;
receiving input information regarding potential servicing of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification

number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle or if the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status wherein the input information is used to determine the vehicle status;

transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

receiving an appointment request relating to one of the plurality of open appointments; and

transmitting the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment.

12.   The online method of claim 11 wherein the service inquiry is the vehicle status request and further comprising receiving vehicle status information from the vehicle service provider, wherein the vehicle status information includes a service status of work in progress.

13.   The online method of claim 12 further comprising transmitting to the customer vehicle status information.

14.   An online vehicle service system comprising at least one server computer operable serving at least one client computer, the at least one server computer configured to:

(i)   receive a service inquiry wherein the service inquiry is selected from the group consisting of: a service request, a scheduled maintenance request, and a recall request;

(ii)   receive input information regarding potential servicing of the vehicle wherein if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request or if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle

identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle; and

(iii) transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

(iv) receiving an appointment request relating to one of the plurality of open appointments; and

(v) transmit the input information and the appointment request to the vehicle service provider to facilitate the scheduling of the vehicle service appointment.

15.   The online system of claim 14 wherein the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider.

16.   The online system of claim 15 wherein the at least one server computer is additionally configured to transmit a request XML package containing a request for available appointment dates and arrival times to the vehicle service provider and to receive a response XML package containing available appointment dates and arrival times.

17.   The online system of claim 16 wherein the at least one server computer is additionally configured to transmit a request XML package containing the appointment date and arrival time for the vehicle service appointment to a dealer server or dealer middleware server and to receive a response XML confirming the appointment date and arrival time.

18.   The online system of claim 14 wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string.

19.   The online system of claim 18 wherein the at least one server computer

is additionally configured to determine an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer.

20.   The online system of claim 19 wherein the at least one server computer is additionally configured to transmit to the customer an at least two symptom probing questions.

IX. EVIDENCE APPENDIX

None.

X. <u>RELATED PROCEEDINGS APPENDIX</u>

None.